

Louisiana Law Review

**Volume 34
1973-1974**

**LOUISIANA STATE UNIVERSITY LAW SCHOOL
Baton Rouge, Louisiana 70803**

Louisiana Law Review

VOLUME 34
1973-1974

CONTENTS

Issue Number 1

ARTICLES

Reason Versus Rule in Louisiana Tort Law: Dialogues on
Hill v. Lundin and Associates, Inc.

David W. Robertson 1

United States v. Little Lake Misere Land Co.—A
Choice of Law

Victor A. Sachse 29

COMMENTS

Valuation of Interests in Trust: A Louisiana Perspective

Gregory B. Adams 46

Public Employee Collective Bargaining in Louisiana

Susan Weeks Anthony 56

Governmental Immunity: The End of "King's X"

Edwin Dunahoe 69

The Employer's Indemnity Action

John C. Folkenroth 79

Balance Sheet of Appointed Counsel in Louisiana

Criminal Cases

Joseph W. Rausch 88

The Occupational Safety and Health Act of 1970

John F. Reid 102

Life Insurance as Alimony—Income Tax Aspects

George H. Robinson, Jr. 114

The Sewell Doctrine: A Constitutional Dilemma

Kenneth R. Williams 122

NOTES

Taxpayer's Records and the Fifth Amendment—

The Demise of Constructive Possession

(*Couch v. United States*, U.S. 1973)

T. Victor Jackson 133

Verbal Abuse and the Aggressor Doctrine

(*Morneau v. American Oil Co.*, La. 1973)

Terrence George O'Brien 137

Who Is an Executive Officer for Liability Insurance

Coverage?

Danny Lurette 141

Res Ipsa Loquitur and Unexplained Injuries to

Anesthetized Patients

(*McCann v. Baton Rouge General Hospital*, La. 1973)

Reginald E. Cassibry 145

BOOK REVIEW

1972 COMPILED EDITION OF THE CIVIL CODES OF LOUISIANA. Edited by Joseph Dainow. Volumes 16-17 of West's Louisiana Statutes Annotated, West Publishing Co., St. Paul, Minnesota, 1973.

Jaro Mayda 152

Issue Number 2

ARTICLES

Issues Before the Third United Nations Conference on the Law of the Sea

H. Gary Knight 155

The Work of the Louisiana Appellate Courts for the 1972-1973 Term

Faculty Symposium 197

Private Law

Law in General	197
Persons	201
Property	207
Successions and Donations	219
Obligations	231
Torts	245
Matrimonial Regimes	255
Mandate	263

Partnership	265
Security Devices	267
Prescription	274
Corporations	282
Trusts	284
Commercial Paper	293
Public Law	
Administrative Regulation: Law and Procedure	301
Bankruptcy	316
Conflict of Laws	319
Consumer Law	326
Criminal Law	332
Insurance	348
Workmen's Compensation	354
State and Local Government	365
State and Local Taxation	373
Procedure	
Civil Procedure	379
Criminal Procedure I	396
Criminal Procedure II	427
Evidence	433

NOTE

**Foster v. Breaux: Intricacies in Pleading Interruption
of Prescription (*Foster v. Breaux*, La. 1972)**

Michael H. Rubin 463

Issue Number 3

ARTICLES

**Violations of the Obligations of Vicinage: Remedies Under
Articles 667 and 669**

A. N. Yiannopoulos 475

Probate Economy and Celerity in Louisiana

Leon Sarpy 523

STUDENT SYMPOSIA

Employment Discrimination: A Title VII Symposium

**Employment Discrimination in State and Local
Government: Title VII Amended and Section
1983 Revisited**

Alan Schulman 540

Race Quotas as a Form of Affirmative Action	<i>Robert C. Lowe</i>	552
Concurrence of Remedies for Labor Union Discrimination	<i>Rick Charles Normand</i>	564
The Focal Issue: Discriminatory Motivation or Adverse Impact?	<i>Stephen G. Bullock</i>	572
Title VII: Sex Discrimination and the BFOQ	<i>John F. Cassibry</i>	590
Symposium: Louisiana's New Consumer Protection Legislation	<i>Alonzo P. Wilson</i>	597
Usury and Interest Rates		
Limitations on Agreements and Practices	<i>Frank S. Craig, III</i>	609
Collection Practices	<i>Marcel Gueniot, Jr.</i>	625
Remedies and Administration of the Consumer Credit Law	<i>W. Richard House, Jr.</i>	629
The Louisiana Unfair Trade Practice and Consumer Protection Act: An Analysis	<i>James E. Boren</i>	634
NOTES		
The Nonsolidness of Solidarity (<i>Wooten v. Wimberly</i> , La. 1972)	<i>Carolyn Hazel</i>	648
The Partner as a Third Party Tortfeasor: Liability or Immunity under the Workmen's Compensation Act	<i>Randy J. McClanahan</i>	654
Nonresident Tuition: Chipping Away at the Blockade (<i>Vlandis v. Kline</i> , U.S. 1973)	<i>Martha Salvant</i>	661
The Requirement of a Definite Time Period in Option Contracts (<i>Delcambre v. Dubois</i> , La. 1972)	<i>H. Evans Scobee</i>	668
Abortion Regulation: Louisiana's Abortive Attempt	<i>R. Patrick Vance</i>	676
Prisoners' Rights—Jailer's Duty of Protection	<i>Jim Walsh</i>	685

In Personam Jurisdiction Over Nonresident Buyers:
Louisiana Lengthens Its Long-Arm (*Drilling Engineering, Inc. v. Independent Indonesian American Petroleum Co.*, La. 1973)

David B. Means, III 691

Issue Number 4

Dedication to Boyd Professor Wex S. Malone v.

ARTICLES

The Privilege Against Self-Incrimination in Federal Tax Investigations

Graham Stafford and T. Victor Jackson 703

COMMENTS

The Paradox of the Prosecutor: Justice Versus Conviction During Closing Argument

William T. Allen, III 746

The Louisiana Concept of Res Judicata

Peter Wilbert Arbour 763

Some Aspects of Collation

Leslie J. Clement, Jr. 782

The Constitutionality of a Program Restricting the Number of Commercial Fishermen in the Coastal Waters of the United States

T. Victor Jackson 801

The Confusing Death of the Special Benefits Doctrine in Louisiana Expropriation Law

Philip K. Jones, Jr. 820

Louisiana Conflicts of Law—Torts and Workmen's Compensation

Marilyn C. Maloney 835

NOTES

Emotional Stress—Now a Cause of Compensable Injury?
(*Ferguson v. HDE, Inc.*, La. 1972)

Ronald R. Gonzales 846

State v. Douglas: Judicial "Revival" of an Unconstitutional Statute (*State v. Douglas*, La. 1973)

Mark C. Graham 851

Workmen's Compensation Insurers: A Duty to Inspect? (<i>Kennard v. Liberty Mutual Insurance Co.</i> , La. 1973)	
	<i>Madeline Hebert</i> 856
Airport Security Systems and the Fourth Amendment (<i>Brooke v. United States</i> , U.S. 1972)	
	<i>Herbert J. Mang, Jr.</i> 860
Income Taxation—Gift and Leaseback Schemes (<i>Creech v. Capitol Mack, Inc.</i> , La. 1973)	
	<i>James R. Raborn</i> 868
Creditors' Rights and the Community of Gains (<i>Creech v. Capitol Mack, Inc.</i> , La. 1973)	
	<i>Gerald E. Songy</i> 874
Child Custody: Preference to the Mother	
	<i>Lila Tritico</i> 881

Issue Number 5

ARTICLES

Introduction to 1974 Special Issue of the Louisiana Law Review	
	<i>Paul M. Hebert</i> 891
The Legacy of Civil Law	
	<i>Pan. J. Zepos</i> 895
The Civil Code in France Today	
	<i>René David</i> 907
Civil Code Revision in Quebec	
	<i>Paul-A. Crépeau</i> 921
Jurisprudential Development in Louisiana Civil Law <i>Mack E. Barham and Albert Tate, Jr.</i>	
	953
Au-delà du Code Civil, mais par le Code Civil	
	<i>John H. Tucker, jr.</i> 957
Lawyers and Ecomangement	
	<i>Jaro Mayda</i> 975
Abuse of Rights in France and Quebec	
	<i>Albert Mayrand</i> 993
Of the Promise of Sale and the Contract to Sell	
	<i>Saul Litvinoff</i> 1017
The Law of Conflicts and Comparative Law: Some Similarities and Limitations	
	<i>Alexander Nekam</i> 1077

**Adhesion Contracts: A Twentieth Century Problem
for a Nineteenth Century Code**

Nora K. Duncan 1081

BOOK REVIEWS

FRENCH LAW—ITS STRUCTURE, SOURCES, AND METHODOLOGY.

By René David, English Translation by Michael Kindred.
Louisiana State University Press, 1972.

H. Alston Johnson III 1101

ESSAYS ON THE CIVIL LAW OF OBLIGATIONS, Edited by Joseph Dainow. Louisiana State University Press, 1969.

P. Michael Hebert 1105

LES OBLIGATIONS. By Jean-Louis Baudouin. Les Presses de L'Université de Montréal, 1970.

LA RESPONSABILITÉ CIVILE DÉLICTUELLE. By Jean-Louis Baudouin. Les Presses de L'Université de Montréal, 1973.

Saul Litvinoff 1108

LAW IN THE UNITED STATES OF AMERICA IN SOCIAL AND TECHNOLOGICAL REVOLUTION: Reports from the U.S.A. for the IX International Congress of Comparative Law. Edited by John N. Hazard and Wenceslas J. Wagner. Bruylant, Belgium 1974.

Joseph Dainow 1112

GENERAL INDEX

VOLUME 34

ACTIONS AND OTHER PROCEEDINGS

Indemnity action of employer, Vol. 34, p. 79

ADMINISTRATIVE LAW AND PROCEDURE

Alcoholic Beverage Control Boards, Vol. 34, p. 308

Civil Service Commission, Vol. 34, p. 301

Constitutional issues, Vol. 34, p. 309

Division of Employment Security, Vol. 34, p. 307

Federal tax investigations,

Documents in the taxpayer's possession, Vol. 34, p. 714

Internal Revenue Service procedure, Vol. 34, p. 704

Intervention in third party examination before hearing officer, Vol. 34, p. 736

Privilege against self-incrimination, Vol. 34, p. 703

Protection against summons being used for an improper purpose, Vol. 34, p. 729

Search warrants, Vol. 34, p. 719

Waiver of constitutional safeguards, Vol. 34, p. 738

Occupational Safety and Health Act, Vol. 34, p. 102

Public Service Commission, Vol. 34, p. 312

Rights,

Abuse of rights, Vol. 34, p. 1002

School Boards,

Generally, Vol. 34, p. 304

Work of the Louisiana Appellate courts, 1972-1973 term, Vol. 34, p. 301

AGENTS AND AGENCY

Apparent authority, Vol. 34, p. 263

Authority,

Requirement of express authority to purchase immovable, Vol. 34, p. 263

Respondeat superior,
Indemnity action,
employer's, Vol. 34, p. 79

ALIMONY

After divorce,

Effect of determination of fault in separation judgment, Vol. 34, p. 201

Support,

Eighteen-year-old children, Vol. 34, p. 204

Taxation,

Life insurance premiums and proceeds, Vol. 34, p. 114

ATTORNEYS

Indigents, appoint of counsel for, Criteria and eligibility, Vol. 34, p. 88

BAIER, PAUL R.

Work of the Louisiana appellate courts, 1972-1973 term, criminal procedure I, Vol. 34, p. 396

BANKRUPTCY

Discharge,

Debts excepted, Vol. 34, p. 318

Effect, Vol. 34, p. 317

Title of trustee, Vol. 34, p. 316

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 316

BARHAM, MACK E.

Jurisprudential developments in Louisiana civil law, Vol. 34, p. 953

BENNETT, DALE E.

Work of the Louisiana appellate courts, 1972-1973 term, criminal law, Vol. 34, p. 332

CANADIAN LAW

Civil Code revision in Quebec, Vol. 34, p. 921

CIVIL CODE

History of civil law institutions, Vol. 34, p. 958
 In France today, Vol. 34, p. 907
 Louisiana,
 Adhesion contracts, Vol. 34, p. 1081
 Revision in Quebec, Vol. 34, p. 921
 1972 Compiled Edition of the Civil Code of Louisiana, edited by Joseph Dainow, Vol. 34, p. 152

CIVIL LAW

Book Review: Essays on the Civil Law of Obligations, edited by Joseph Dainow, Vol. 34, p. 1105
 Book Review: *Les Obligations* by Jean-Louis Baudouin, Vol. 34, p. 1108
 Book Review: *La Responsabilité Civile Délictuelle*, Vol. 34, p. 1108
 The Civil Code in France today, Vol. 34, p. 907
 Civil Code revision in Quebec, Vol. 34, p. 921
 Comparative law in, Vol. 34, p. 1077
 Conflicts of laws in, Vol. 34, p. 1077
 History of civil law institutions, Vol. 34, p. 958
 Jurisprudential developments in, Vol. 34, p. 953
 Legacy of, Vol. 34, p. 895
 Louisiana,
 Adhesion contracts, Vol. 34, p. 1081

CIVIL RIGHTS

Employment discrimination,
 Labor union discrimination, Vol. 34, p. 564
 Race quotas, Vol. 34, p. 552
 Seniority systems and tests, Vol. 34, p. 572
 Sex discrimination, Vol. 34, p. 590
 State and local government, Vol. 34, p. 540

CIVIL SERVICE

Public employee collective bargaining in Louisiana,
 In general, Vol. 34, p. 56
 Employees, rights of, Vol. 34, p. 56
 State's authority, Vol. 34, p. 58

COMMON LAW

Adhesion contracts, Vol. 34, p. 1081

COMMUNITY PROPERTY

Creditor's rights,
 Seizure by husband's antenuptial creditor, Vol. 34, p. 874

COMPARATIVE LAW

In the civil law, Vol. 34, p. 1077

CONFLICT OF LAWS

Divorce, Vol. 34, p. 323
 Federal common law applicable to prescription of mineral rights, Vol. 34, p. 29

Immovable property,
 Adjudication of title to land in another state, Vol. 34, p. 325

In the Civil Law, Vol. 34, p. 1077

Res judicata, Vol. 34, p. 320

Torts,
 Generally, Vol. 34, p. 835
 Foreign cause of action,

 Generally, Vol. 34, p. 836

 Direct action statute, Vol. 34, p. 837

 Dissatisfaction with *lex loci delicti*,
 Vol. 34, p. 839

Lex loci delicti, Vol. 34, p. 319

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 319

Workmen's compensation,
 Generally, Vol. 34, pp. 322, 842

CONSTITUTIONAL LAW

Abortion, Vol. 34, p. 676
 Closing argument of prosecutor,
 Generally, Vol. 34, p. 746
 Comment on failure of accused to testify, Vol. 34, p. 753
 Extraneous crimes and prior acts of misconduct, Vol. 34, p. 755
 Inflammatory remarks, Vol. 34, p. 748
 Personal opinion, Vol. 34, p. 750
 Provocation, effect on rebuttal argument, Vol. 34, p. 757
 Remedies, Vol. 34, p. 759
 Commercial fishermen,
 Program restricting number of, Vol. 34, p. 801

Fifth amendment privilege against self-incrimination,
 Documents in taxpayer's possession, Vol. 34, p. 714
 Federal tax investigations, Vol. 34, p. 703
 Taxpayer protection against improper purpose, Vol. 34, p. 729

Fourth amendment searches and seizures,
 Airport security systems, Vol. 34, p. 860

Fourth amendment search warrants, Federal tax investigations, Vol. 34, p. 719

Limits on administrative action, Vol. 34, p. 309

Marine resources, Program restricting number of commercial fishermen, Vol. 34, p. 801

Nonresident tuition, Vol. 34, p. 661

Representation elections under the N.L.R.A., Speech, limitations on, Vol. 34, p. 122

Right to privacy, Abortion, Vol. 34, p. 676

Tax records and documents, production of, Privilege against self-incrimination, Constructive possession, Vol. 34, p. 133

Waiver of constitutional safeguards, Federal tax investigations, Vol. 34, p. 738

CONSUMER LAW

Consumer Credit Law, Collection practices, Vol. 34, p. 625
 Limitations on negotiability, Vol. 34, p. 609
 Remedies and administration, Vol. 34, p. 629
 Usury and interest rates, Vol. 34, p. 597

Truth in Lending Act, Good faith violations, Vol. 34, p. 326

Unfair Trade Practices and Consumer Protection Act, Vol. 34, p. 634

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 326

CONTRACTS

Adhesion, Common law, Vol. 34, p. 1081
 In the Louisiana Civil Code, Vol. 34, p. 1081

Capacity, Wife's contracts with husband, Vol. 34, p. 260

CORPORATIONS

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 282

CRAWFORD, WILLIAM E.

Work of the Louisiana appellate courts, 1972-1973 term, torts, Vol. 34, p. 245

CREPEAU, PAUL-A.

Civil Code revision in Quebec, Vol. 34, p. 921

CRIMINAL LAW AND PROCEDURE

Armed robbery, Possession, Vol. 34, p. 344

Arrest, Warrantless, Vol. 34, p. 396

Burglary, Unauthorized entry requirement, Vol. 34, p. 342

Capital punishment, Constitutionality, Vol. 34, p. 334

Closing argument of prosecutor, Generally, Vol. 34, p. 746

Comment on failure of accused to testify, Vol. 34, p. 753

Extraneous crimes and prior acts of misconduct, Vol. 34, p. 755

Inflammatory remarks, Vol. 34, p. 748

Personal opinion, Vol. 34, p. 750

Provocation, effect on rebuttal argument, Vol. 34, p. 757

Remedies, Vol. 34, p. 759

Cruel or unusual punishment, Vol. 34, p. 338

Disturbing the peace, Certainty in definition, Vol. 34, p. 332

Entrapment, Vol. 34, p. 346

Indictments and informations, Generally, Vol. 34, p. 419

Indigents, appointment of counsel for, Criteria and eligibility, Vol. 34, p. 88

Insanity,
McNaughten test, Vol. 34, p. 345

Intent,
Specific intent element of murder and attempted murder, Vol. 34, p. 340

Motion for new trial, Vol. 34, p. 431

Murder,
Felony-murder, Vol. 34, p. 340

Opening statement, Vol. 34, p. 427

Preliminary hearing,
Use of testimony, Vol. 34, p. 437

Pretrial discovery, Vol. 34, p. 423

Pretrial identification, Vol. 34, p. 414

Privilege against self-incrimination,
Constructive possession of tax records, Vol. 34, p. 133

Search warrants,
Generally, Vol. 34, p. 406

Search without a warrant, Vol. 34, p. 411

Theft,
Fraudulent use of student identification card, Vol. 34, p. 343

Transcript for indigent defendant, Vol. 34, p. 435

Voir dire examination, Vol. 34, p. 440

Work of the Louisiana appellate courts, 1972-1973 term, criminal law, Vol. 34, p. 332
1972-1973 term, criminal procedure I, Vol. 34, p. 396
1972-1973 term, criminal procedure II, Vol. 34, p. 427

CURRIE, HECTOR

Work of the Louisiana appellate courts, 1972-1973 term, bankruptcy, Vol. 34, p. 316

CUSTODY

Of children,
Preference to the mother, Vol. 34, p. 881

DAINOW, JOSEPH

Book Review: Law in the United States of America in Social and Technological Revolution, Vol. 34, p. 1112

Work of the Louisiana appellate courts, 1972-1973 term, prescription, Vol. 34, p. 274

DAKIN, MELVIN G.

Work of the Louisiana appellate courts, 1972-1973 term, administrative law and procedure, Vol. 34, p. 301
1972-1973 term, state and local government, Vol. 34, p. 365

DAMAGES

Expropriation,
Special benefits doctrine,
Death of, Vol. 34, p. 820

DAVID, RENE

The Civil Code in France today, Vol. 34, p. 907

DIVORCE

Alimony,
Effect of determination of fault in separation judgment, Vol. 34, p. 201

Custody of children,
Preference to the mother, Vol. 34, p. 881

DONATIONS

Collation of, Vol. 34, p. 783

Donation *omnium bonorum*, Vol. 34, p. 228

Gift and leaseback schemes,
Income taxation, Vol. 34, p. 868

Revocation of testamentary dispositions, Vol. 34, p. 229

DUNCAN, NORA K.

Adhesion contracts: a twentieth century problem for a nineteenth century code, Vol. 34, p. 1081

ENVIRONMENTAL LAW

Ecomanagement, Vol. 34, p. 975
Lawyers and their roles, Vol. 34, p. 983
Policy development, Vol. 34, p. 982
Technoculture syndrome, Vol. 34, p. 980
Technology, Vol. 34, p. 978

EVIDENCE

Character and reputation,
Cross-examination of character witness, Vol. 34, p. 447

Exclusion of other crimes, Vol. 34, p. 443
Impeachment by other crimes, Vol. 34, p. 451
Impeachment by prior acts of misconduct, Vol. 34, p. 453
Competency, Vol. 34, p. 448
Confrontation,
 Conflict with witness' privilege against self-incrimination, Vol. 34, p. 448
Discovery,
 Confessions, Vol. 34, p. 459
 Prior memoranda, Vol. 34, p. 458
Hearsay,
 Assertive acts, Vol. 34, p. 455
 Complaint to police, Vol. 34, p. 455
 Proof of family history by newspaper article, Vol. 34, p. 456
 Use of testimony taken at a preliminary hearing, Vol. 34, p. 437
Impeachment,
 Collateral matter, Vol. 34, p. 451
 Own witness, Vol. 34, p. 454
 Past acts of misconduct, Vol. 34, p. 453
 Past convictions, Vol. 34, p. 451
 Prior inconsistent statements, Vol. 34, p. 451
Privilege,
 Attorney-client, Vol. 34, p. 455
Relevancy,
 Character of the accused, Vol. 34, p. 447
 Exclusion of other crimes, Vol. 34, p. 443
Lie detector test, Vol. 34, p. 448
Witnesses,
 Court's witness, Vol. 34, p. 449
Impeachment,
 Collateral matter, Vol. 34, p. 451
 Own witness, Vol. 34, p. 454
 Past acts of misconduct, Vol. 34, p. 453
 Past convictions, Vol. 34, p. 451
 Prior inconsistent statements, Vol. 34, p. 451
Refreshing recollection, Vol. 34, p. 450
Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 443

EXECUTORIAL PROCESS

Constitutionality, Vol. 34, p. 391

EXPROPRIATION

Federal common law applicable to expropriated land, Vol. 34, p. 29

Special benefits doctrine,
 Death of, Vol. 34, p. 820

FEDERAL PROCEDURE

Federal common law applicable to prescription of mineral rights, Vol. 34, p. 29

FRENCH LAW

Book Review: French Law—Its Structure, Sources, and Methodology, by René David, Vol. 34, p. 1101

The Civil Code today, Vol. 34, p. 907

HARRELL, THOMAS A.

Work of Louisiana appellate courts, 1972-1973 term, security devices, Vol. 34, p. 267

HARRISON, MILTON M.

Work of the Louisiana appellate courts, 1972-1973 term, corporations, Vol. 34, p. 282

1972-1973 term, mandate, Vol. 34, p. 263

1972-1973 term, partnership, Vol. 34, p. 265

HEBERT, P. MICHAEL

Book Review: Essays on the Civil Law of Obligations, edited by Joseph Dainow, Vol. 34, p. 1105

HEBERT, PAUL M.

Dedication to Boyd Professor Wex S. Malone, Vol. 34, p. v

Introduction to 1974 Special Issue of the Louisiana Law Review, Vol. 34, p. 891

HERSBERGEN, RONALD L.

Work of the Louisiana appellate courts, 1972-1973 term, commercial paper, Vol. 34, p. 293

1972-1973 term, consumer law, Vol. 34, p. 326

IMMOVABLES

Barbed wire fence, Vol. 34, p. 208
 Standing crops, Vol. 34, p. 209

INSURANCE

Alimony payments,
 Taxation of life insurance premiums and proceeds, Vol. 34, p. 114
 Liability insurance, Vol. 34, p. 350
 Life insurance, Vol. 34, p. 348
 Property insurance, Vol. 34, p. 349
 Third party liability,

Executive officer, definition of for liability insurance coverage, Vol. 34, p. 141
 Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 348
 Workmen's compensation insurer as third-party tortfeasor,
 Duty to inspect, Vol. 34, p. 856

INTERNATIONAL LAW

Issues before the Third United Nations Conference on the Law of the Sea,
 Generally, Vol. 34, p. 155
 History, Vol. 34, p. 155
 Substantive issues, Vol. 34, p. 164

JACKSON, T. VICTOR

The privilege against self-incrimination in federal tax investigations, Vol. 34, p. 703

JOHNSON, H. ALSTON III

Book Review: French Law—Its Structure. Sources, and Methodology, by René David, Vol. 34, p. 1101
 Work of the Louisiana appellate courts, 1972-1973 term, obligations, Vol. 34, p. 231

JOSEPH, CHENEY C.

Work of the Louisiana appellate courts, 1972-1973 term, criminal procedure II, Vol. 34, p. 427

JUDGMENTS AND DECREES

Final, as res judicata, Vol. 34, p. 765

JURISPRUDENCE

Developments in Louisiana civil law, Vol. 34, p. 953

Dissents from granting of writs, Vol. 34, p. 197

Judicial precedent,
 Custom, Vol. 34, p. 198

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 197

KNIGHT, H. GARY

Issues before the Third United Nations Conference on the Law of the Sea, Vol. 34, p. 155

LABOR LAW

Employment discrimination,
 Seniority systems and tests, Vol. 34, p. 572

Sex discrimination, Vol. 34, p. 590

Occupational Safety and Health Act, Vol. 34, p. 102

Public employee collective bargaining in Louisiana,
 Generally, Vol. 34, p. 56

Employees, rights of, Vol. 34, p. 56

State's authority, Vol. 34, p. 58

Representation elections,
Sewell doctrine, Vol. 34, p. 122
 Speech, limitations on employers and unions, Vol. 34, p. 122

Union discrimination, Vol. 34, p. 564

LAZARUS, CARLOS E.

Work of the Louisiana appellate courts, 1972-1973 term, successions and donations, Vol. 34, p. 219

LEGISLATION

Occupational Safety and Health Act, Vol. 34, p. 102

Revival of unconstitutional statute, Vol. 34, p. 141

L'ENFANT, HOWARD W.

Work of the Louisiana appellate courts, 1972-1973 term, civil procedure, Vol. 34, p. 379

LEVAN, GERALD

Work of the Louisiana appellate courts, 1972-1973 term, trusts and trustees, Vol. 34, p. 284

GENERAL INDEX

LITVINOFF, SAUL

Book Review: *La Responsabilité Civile Délictuelle*, by Jean-Louis Baudouin, Vol. 34, p. 1108

Book Review: *Les Obligations*, by Jean-Louis Baudouin, Vol. 34, p. 1108
Of the promise of sale and contract to sell, Vol. 34, p. 1017

MALONE, WEX S.

Dedication to, Vol. 34, p. v
Work of the Louisiana appellate courts, 1972-1973 term, workmen's compensation, Vol. 34, p. 354

MANDATE

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 263

MARINE RESOURCES

Commercial fishermen,
Constitutionality of program restricting number of, Vol. 34, p. 801

MARRIAGE

Canadian Civil Code,
Revision of, Vol. 34, p. 933
Divorce or separation,
Custody of children,
Preference to the mother, Vol. 34, p. 881

MATRIMONIAL REGIMES

Community property,
Seizure of,
By husband's antenuptial creditor, Vol. 34, p. 874
Creditor's rights,
Seizure of community property by husband's antenuptial creditor, Vol. 34, p. 874
Effect of reconciliation, Vol. 34, p. 255
Obligations on the wife's contracts, Vol. 34, p. 258
Wife's acceptance with benefit of inventory,
Partition of community, Vol. 34, p. 256
Wife's contract with husband, Vol. 34, p. 260
Wife's interest in the community, Vol. 34, p. 260

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 255

MAYDA, JARO

Book Review: 1972 Compiled Edition of the Civil Codes of Louisiana, edited by Joseph Dainow, Vol. 34, p. 152
Lawyers and ecomanagement, Vol. 34, p. 975

MAYRAND, ALBERT

Abuse of rights in France and Quebec, Vol. 34, p. 993

McKENZIE, W. SHELBY

Work of the Louisiana appellate courts, 1972-1973 term, insurance, Vol. 34, p. 348

MINERALS, OIL AND GAS

Federal common law applicable to prescription of mineral rights, Vol. 34, p. 29
Mineral leases, Vol. 34, p. 969
Royalty rights, Vol. 34, p. 972
Mineral servitudes, Vol. 34, p. 961

MINORS

Support,
Eighteen-year-old children, Vol. 34, p. 204

MOVABLES

Barbed wire fence, Vol. 34, p. 208
Movables by anticipation,
Standing crops, Vol. 34, p. 209

NEGOTIABLE INSTRUMENTS

Bank-domiciled instruments, Vol. 34, p. 296
Consumer Credit Law, Vol. 34, p. 609
Rights of parties to instruments gone astray, Vol. 34, p. 293
Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 293

NEKAM, ALEXANDER

The law of conflicts and comparative law: some similarities and limitations, Vol. 34, p. 1077

OBLIGATIONS

Book Review: Essays on the Civil Law of Obligations, edited by Joseph Dainow, Vol. 34, p. 1105
 Canadian Civil Code, Revision of, Vol. 34, p. 936
 Division of *as res judicata*, Vol. 34, p. 777
 Rights,
 Abuse of rights in France and Quebec, Vol. 34, p. 993
 Reason to oppose application of theory of abuse of rights, Vol. 34, p. 1004
 Techniques used to apply theory of abuse of rights, Vol. 34, p. 1006
 Solidary obligations, Vol. 34, p. 231
 Vicarious liability, Vol. 34, p. 648
 Usury, Vol. 34, p. 238
 Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 231

OFFENSES AND QUASI-OFFENSES

Assault and battery,
 Aggressor doctrine, Vol. 34, p. 254
 Canadian Civil Code,
 Revision of, Vol. 34, p. 942
 Conflict of laws, Vol. 34, pp. 245, 319
 Foreign cause of action,
 Generally, Vol. 34, p. 836
 Direct action statute, Vol. 34, p. 837
 Dissatisfaction with *lex loci delicti*, Vol. 34, p. 839
 Contribution,
 Intrafamily immunity, Vol. 34, p. 252
 Duty of care,
 Jailer's duty of protection, Vol. 34, p. 685
 Foster parents,
 Liability of state for injury to child, Vol. 34, p. 254
 Intrafamily immunity, contribution, Vol. 34, p. 252
 Minor's torts,
 Solidarily liable with parent, Vol. 34, p. 252
 Motor vehicle regulatory statutes,
 Scope of protection, Vol. 34, p. 249
 Nuisance,
 Article 669 and common law nuisance, Vol. 34, p. 488
 Res ipsa loquitur,

Doctors and hospitals, Vol. 34, p. 251
 Sovereign immunity, Vol. 34, p. 253
 Statutory standard of care, Vol. 34, p. 246
 Workmen's compensation insurer as third-party tortfeasor,
 Duty to inspect, Vol. 34, p. 856

PARENT AND CHILD

Canadian Civil Code,
 Revision of, Vol. 34, p. 934

PARTNERSHIP

Liability of a partner as a third-party tortfeasor under the Workmen's Compensation Act, Vol. 34, p. 654
 Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 265

PASCAL, ROBERT A.

Work of the Louisiana appellate courts, 1972-1973 term, conflict of laws, Vol. 34, p. 319
 1972-1973 term, law in general, Vol. 34, p. 197
 1972-1973 term, matrimonial regimes, Vol. 34, p. 255

PERSONS

Alimony,
 Effect of prior adjudication of fault upon alimony incidental to divorce, Vol. 34, p. 201
 Eighteen-year-old children, Vol. 34, p. 204
 Canadian Civil Code,
 Revision of, Vol. 34, p. 933
 Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 201

PRACTICE AND PROCEDURE

Actions,
 Prescription, Vol. 34, p. 387
 Exceptions,
 Effect of default judgment, peremptory exception of prescription on declinatory exception of improper venue, Vol. 34, pp. 389, 463
 Executory process and sequestration,
 Constitutionality, Vol. 34, p. 391
 Jurisdiction and venue, Vol. 34, p. 379

Jurisdiction over nonresidents,
Nonresident buyers, Vol. 34, p. 691

Probate economy and celerity, Vol. 34, p. 523

Res judicata,
In Louisiana,
Generally, Vol. 34, p. 763
Final judgment, Vol. 34, p. 765
Identity of the cause, Vol. 34, p. 769
Identity of the parties, Vol. 34, p. 766
Identity of the thing demanded, Vol. 34, p. 774

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 379

PRESCRIPTION

Generally,
Classification of a prescription as acquisitive or liberative, Vol. 34, p. 274

Acquisitive prescription,
Good faith, Vol. 34, p. 276
Precarious possession, Vol. 34, p. 275

Federal common law applicable to prescription of mineral rights, Vol. 34, p. 29

Liberative prescription,
Cause of action, Vol. 34, p. 277
Commencement, Vol. 34, p. 279
Interruption, Vol. 34, pp. 279, 387
Pleading, Vol. 34, pp. 389, 463
Of collation, Vol. 34, p. 792

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 274

PRODUCTS LIABILITY

Duty-risk analysis, Vol. 34, p. 1

PROPERTY

Expropriation,
Special benefits doctrine
Death of, Vol. 34, p. 820

Gift and leaseback schemes,
Income taxation, Vol. 34, p. 868

Immovables, Vol. 34, p. 208

Predial servitudes,
Conventional servitudes, Vol. 34, p. 216
Obligations of vicinage, Vol. 34, p. 215

Public streets,
Dedication, Vol. 34, p. 207

Rights,
Abuse of rights in France and Quebec, Vol. 34, p. 993
Ownership, abuse of, Vol. 34, p. 994

Servitudes,
See generally this index

Usufructs,
Impingement on the legitime by a testamentary usufruct, Vol. 34, p. 213

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 207

PUGH, GEORGE W.

Work of the Louisiana appellate courts, 1972-1973 term, evidence, Vol. 34, p. 443

RES JUDICATA

In Louisiana,
Generally, Vol. 34, p. 763
Division of an obligation, Vol. 34, p. 777
Final judgment, Vol. 34, p. 765
Identity of the cause, Vol. 34, p. 769
Identity of the parties, Vol. 34, p. 766
Identity of the thing demanded, Vol. 34, p. 774

ROBERTSON, DAVID W.

Reason versus rule in Louisiana tort law: dialogue on *Hill v. Lundin & Assoc., Inc.*, Vol. 34, p. 1

ROLAND, ROBERT L.

Work of the Louisiana appellate courts, 1972-1973 term, state and local taxation, Vol. 34, p. 373

ROMAN LAW

In the civil law, Vol. 34, p. 895

SACHSE, VICTOR A.

United States v. Little Lake Misere Land Co.—a choice of law, Vol. 34, p. 29

SALES

Bilateral promise of sale,
Common law, Vol. 34, p. 1055
French law, Vol. 34, p. 1050
Louisiana law, Vol. 34, p. 1063

Bilateral promises,
General principles, Vol. 34, p. 1046
Common law,
Equitable conversion, Vol. 34, p. 1060
Option contracts, Vol. 34, p. 1033
Specific performance, Vol. 34, p. 1059
Contract to sell, Vol. 34, p. 1017
Louisiana jurisprudence, Vol. 34, p. 1068
Earnest money, Vol. 34, p. 1071
Formal contracts, Vol. 34, p. 1047
Option,
Requirement of a definite time period, Vol. 34, p. 668
Promise of sale, Vol. 34, p. 1017
French law, Vol. 34, p. 1027
Doctrine and jurisprudence, Vol. 34 p. 1028
Effects, Vol. 34, p. 1029
Recordation, Vol. 34, p. 1031
Right of pre-emption, Vol. 34, p. 1032
Louisiana jurisprudence, Vol. 34, p. 1042
Louisiana law, Vol. 34, p. 1038
Moveables and immovables, Vol. 34, p. 1044
Unilateral, Vol. 34, p. 1026
Promise to contract,
Problems, Vol. 34, p. 1017
Promises, unilateral,
General principles, Vol. 34, p. 1020
Real contracts, Vol. 34, p. 1049
Requirements contracts, Vol. 34, p. 1050

SARPY, LEON
Probate economy and celerity in Louisiana, Vol. 34, p. 523

SECURITY DEVICES
Assignment of accounts, Vol. 34, p. 267
Building contract privileges,
Generally, Vol. 34, p. 272
Community property,
Seizure of by husband's antenuptial creditor, Vol. 34, p. 874
Pledge,
Generally, Vol. 34, p. 270
Vendor's privilege, Vol. 34, p. 269
Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 267

SEPARATION FROM BED AND BOARD

Custody of children,
Preference to the mother, Vol. 34, p. 881

SERVITUDES

Legal servitudes,
Obligations of vicinage, Vol. 34, p. 215

Minerals, Vol. 34, p. 961

Royalty rights, Vol. 34, p. 972

Obligations of vicinage,

Article 669 and the civilian tradition, Vol. 34, p. 496

Article 669 and common law of nuisance, Vol. 34, p. 488

Damages and injunctions under article 667, Vol. 34, p. 478

Damages and injunctions under article 669, Vol. 34, p. 510

Distinction between article 667 and article 669, Vol. 34, p. 475

SOVEREIGN IMMUNITY

Immunity of state agencies for torts, Vol. 34, p. 69

Torts, Vol. 34, p. 253

SPAHT, KATHERINE SHAW

Work of the Louisiana appellate courts, 1972-1973 term, persons, Vol. 34, p. 201

STAFFORD, GRAHAM

The privilege against self-incrimination in federal tax investigations, Vol. 34, p. 703

STATE AND LOCAL GOVERNMENT

Elections, Vol. 34, p. 368

Officers and powers, Vol. 34, p. 365

Referendums, Vol. 34, p. 370

Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 365

Zoning, Vol. 34, p. 371

STATE AND LOCAL TAXATION

Corporation franchise taxes, Vol. 34, p. 373

GENERAL INDEX

Inheritance Taxes, Vol. 34, p. 373
 Motor vehicle taxes, Vol. 34, p. 374
 Sales taxes, Vol. 34, p. 374
 Severance taxes, Vol. 34, p. 376
 Tax sales, Vol. 34, p. 378
 Work of the Louisiana appellate courts,
 1972-1973 term, Vol. 34, p. 373

STATUTES

Unconstitutional,
 Revival of, Vol. 34, p. 141

SUCCESSIONS

Administration,
 Economy and celerity, Vol. 34, p. 523
 Canadian Civil Code,
 Revision of, Vol. 34, p. 935
 Collation, Vol. 34, p. 219
 Generally, Vol. 34, p. 782
 Of debts, Vol. 34, p. 795
 Of donations mortis causa, Vol. 34, p.
 782
 Prescription of, Vol. 34, p. 792
 Proper time for, Vol. 34, p. 788
 Disposable portion, Vol. 34, p. 226
 Prohibited substitutions, Vol. 34, p. 223
 Work of the Louisiana appellate courts,
 1972-1973 term, Vol. 34, p. 219

TATE, ALBERT

Jurisprudential developments in Louisi-
 ana civil law, Vol. 34, p. 951

TAXATION

Alimony payments,
 Taxation of life insurance premiums
 and proceeds, Vol. 34, p. 114
 Federal tax investigations,
 Documents in the taxpayer's posses-
 sion, Vol. 34, p. 714
 Internal Revenue Service procedure,
 Vol. 34, p. 704
 Intervention, Vol. 34, p. 736
 Privilege against self-incrimination,
 Vol. 34, p. 703
 Protection against summons being
 used for an improper purpose, Vol.
 34, p. 729
 Records and documents, production
 of,
 Privilege against self-incrimina-
 tion,

Constructive possession, Vol. 34,
 p. 133

Required records doctrine, Vol. 34, p.
 716

Search warrants, Vol. 34, p. 719

Tax preparer project, Vol. 34, p. 727

Taxpayer's rights with respect to
 summons directed to third party,
 Vol. 34, p. 729

Waiver of constitutional safeguards,
 Vol. 34, p. 738

Income taxation,

Federal tax investigations, Vol. 34, p.
 703

Gift and leaseback schemes, Vol. 34,
 p. 868

Valuation of interests in trust,

Generally, Vol. 34, p. 46

Federal estate taxation, Vol. 34, p. 48

Louisiana inheritance taxation, Vol.
 34, p. 50

TORTS

Aggressor doctrine,
 Verbal abuse insufficient provocation,
 Vol. 34, p. 137
 Conflicts of laws,
 Generally, Vol. 34, p. 835
 Foreign cause of action,
 Generally, Vol. 34, p. 836
 Direct action statute, Vol. 34, p. 837
 Dissatisfaction with *lex loci delicti*,
 Vol. 34, p. 839

Duty-risk analysis, Vol. 34, p. 1

Gratuitous services, insurer's liability
 for, Vol. 34, p. 858

Immunity of state agencies, Vol. 34, p. 69

Res ipsa loquitur,

Multiple defendants in hospital set-
 ting, Vol. 34, p. 145

Third-party liability,

Executive officer, definition of for lia-
 bility insurance coverage, Vol. 34,
 p. 141

Work of the Louisiana appellate courts,
 1972-1973 term, Vol. 34, p. 245

Workmen's compensation insurer as
 third-party tortfeasor,
 Duty to inspect, Vol. 34, p. 856

TRUSTS AND TRUSTEES

Allocation of expenses,

	Attorney's fee, Vol. 34, p. 291	
	Invasion of principal, Vol. 34, p. 285	
	Removal of the trustee, Vol. 34, p. 289	
	Substitutions and fidei commissa, Generally, Vol. 34, p. 284	
	Valuation of interests for taxation, In general, Vol. 34, p. 46	
	Federal estate taxation, Vol. 34, p. 48	
	Louisiana inheritance taxation, Vol. 34, p. 50	
	Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 284	
TUCKER, JOHN H., jr.		
	Au-dela du Code Civil, mais par le Code Civil, Vol. 34, p. 957	
USUFRUCT		
	Testamentary usufruct, Impingement on the legitimate, Vol. 34, p. 213	
USURY		
	Generally, Vol. 34, p. 238	
	Consumer Credit Law, Vol. 34, p. 597	
VICARIOUS LIABILITY		
	Respondeat superior, Indemnity action, employer's, Vol. 34, p. 79	
WATER AND WATERCOURSES		
	Programs restricting number of com- mercial fishermen, Constitutionality of, Vol. 34, p. 801	
		WORKMEN'S COMPENSATION
		Buyer-seller, principal-contractor re- lationship, Vol. 34, p. 354
		Conflicts of laws, Generally, Vol. 34, p. 842
		Emotional stress resulting in physical collapse
		Compensation of, Vol. 34, p. 846
		Insurer as third-party tortfeasor, Duty to inspect, Vol. 34, p. 856
		Partner as a third-party tortfeasor, Vol. 34, p. 654
		Principal's immunity to tort liability, Vol. 34, p. 356
		Reimbursement, Negligent employer, Vol. 34, p. 357
		Third-party liability, Executive officer, definition of for liability insurance coverage, Vol. 34, p. 141
		Work of the Louisiana appellate courts, 1972-1973 term, Vol. 34, p. 354
		YIANNOPoulos, A.N.
		Violations of the obligations of vicin- age: remedies under articles 667 and 669, Vol. 34, p. 475
		Work of the Louisiana appellate courts, 1972-1973 term, property, Vol. 34, p. 207
		ZEPOS, PAN. J.
		The legacy of civil law, Vol. 34, p. 895

